

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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VIA ECF

August 18, 2023

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

The Application is granted.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: August 28, 2023

Re: United States v. Alexander Rosario, 11 Cr. 932 (PGG)

Dear Judge Gardephe:

I write on behalf of my client Alexander Rosario to respectfully request that the Court order the early termination of his supervised release. He has been fully compliant with the terms of his supervision. Probation supports this request and the government has no objection to early termination.

Mr. Rosario was released from custody on August 28, 2020, and has completed approximately 36 months of his term of supervision. He first requested early termination of supervised release in April 2022. At that time, Mr. Rosario was in full compliance with the terms of his supervision and had completed all required programming, including mental health and substance abuse counseling. Neither the government nor Probation took a position on the April 2022 request. The Court denied that request but told Mr. Rosario he could reapply for early termination in August 2023. A copy of that so-ordered request, along with the supporting materials filed with it, is attached as Exhibit A.

I am happy to report that since the time of our initial request, Mr. Rosario has remained in full compliance with the terms of his supervision. His family remains loving and supportive. Attached as Exhibits B and C are updated letters of support from Mr. Rosario's partner and son. Mr. Rosario still is employed full time in the construction industry by E.W. Powell, a general contractor, and remains an active member of his labor union. He has continued his work-related education and has obtained a dozen additional certifications since his previous early termination request, bringing the total of his construction-related certifications to twenty. He has also completed a sixty-two hour Supervisor Course through his union in furtherance of his hope to become a union organizer. He remains concerned that his continued supervised release will not allow for that advancement due to the last-minute travel that the position is likely to require.

I have communicated with Supervisory U.S. Probation Officer Shawnte Lorick regarding Mr. Rosario's early termination request. She has confirmed that Mr. Rosario remains in compliance with the terms of his supervision and is in good standing with U.S. Probation office that has been supervising him in New Jersey. Mr. Rosario is on the low-intensity caseload which

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requires him to submit monthly reports. I have also communicated with Assistant United States Attorney Mitzi Steiner, Esq., on behalf of the government, and in light of Probation's support for the early termination request, she advises me that the government has no objection.

The defense submits that that early termination of Mr. Rosario's supervised release is appropriate. His coworker's words to Your Honor last year continue to ring true: Mr. Rosario "has utilized every outlet to become certified in his craft," all while maintaining strong family relationships. The rehabilitative goals of supervision have been accomplished over the course of his three years on supervised release. He has successfully transitioned back to community life. The interests of justice would best be served by terminating his supervision and truly permitting him to put his case behind him and fully reintegrate into his work, home, and community life.

Respectfully submitted,
/s/
Peggy Cross-Goldenberg
Assistant Federal Defender
212-417-8732

cc: Mitzi Steiner, Esq., Assistant United States Attorney
S.U.S.P.O. Shawnte Lorick